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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,057	01/07/2002	Kyle Brown	RSW920010193US1	1961

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EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/041,057

Applicant(s)

BROWN ET AL.

Examiner

CESAR B. PAULA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This action is responsive to the 37 CFR 1.132 declaration filed on 5/23/2005.

**This action is made Non-Final.**

2. Claims 1-25 are pending in the case. Claims 1, 6, 18, and 22 are independent claims.
3. The rejections of claims 1, 4-18, 20-22, and 24-25 rejected under 35 U.S.C. 102(e) as being anticipated by Frerebeau et al, hereinafter Frerebeau (USPub.# 2003/0135501 7/17/2003, PCT filed 5/22/2001) have been rejected as necessitated by the newly found prior art.
4. The rejections of claims 2-3, 19, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Frerebeau, in view of Eerola (Pat. # 6,678,518, 1/13/2004, filed on 12/9/1999) have been rejected as necessitated by the newly found prior art.

### ***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on 1/7/2002 has been entered, and considered by the examiner.

### ***Drawings***

6. The drawings filed on 1/7/2002 have been approved by the examiner.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 4-12, 14-18, 20-22, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lakritz (USPub.# 2003/0140316, 7/24/2003, continuation of application filed 1/28/1999).

Regarding independent claim 1, Lakritz discloses using the update, and notifying a user that an HTML document has been updated—*identifying a file having a first section marked with a first identifier--*. The HTML document(s) has “WReplace” commands—*first section marked with a first identifier--* in a section of the document (0108).

Moreover, Lakritz discloses using the string in the document, and a primary language word such as “hello” —*receiving a language indicator—* (0561).

Moreover, Lakritz teaches removing of the “WReplace” commands in the HTML string after translating the text, to a language such as “French”, when the word to be translated in a primary language—English word—*default language indicator--* before producing or displaying the translated document (0570-0573).

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Furthermore, Lakritz teaches replacing of the “WReplace” commands, and the word “hello” in the HTML string, and translating the text, to a language such as “Spanish” word — *language indicator is not said French word or default language indicator*, before producing or displaying the translated document (0570-0573).

Regarding claim 4, which depends on claim 1, Lakritz discloses an “Adaptor” for accepting the document to be translated—*receiving input stream based on said file* (0090). The document is transformed by leaving out or deleting the localization tag.

Moreover, Lakritz discloses using the HTML string for finding, and using the word to be translated—*scanning said input stream for said first identifier--* (0562-0573).

Furthermore, Lakritz teaches removing of the “WReplace” commands in the HTML string after translating the text, to a language such as “French”, when the word to be translated in a primary language—English word—*default language indicator--* before producing or displaying the translated document (0570-0573).

Regarding claim 5, which depends on claim 1, Lakritz discloses an “Adaptor” for accepting the document to be translated—*receiving input stream based on said file* (0090). The document is transformed by leaving out or deleting the localization tag.

Moreover, Lakritz discloses using the HTML string for finding, and using the word to be translated—*scanning said input stream for said first identifier--* (0562-0573).

Furthermore, Lakritz teaches replacing of the “WReplace” commands, and the word “hello” in the HTML string, and translating the text, to a language such as “Spanish” word —

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*language indicator is not said French word or default language indicator*, before producing or displaying the translated document (0570-0573).

Regarding independent claim 6, Lakritz discloses an “Adaptor” for accepting the document to be translated—*identifying a file having a first section marked with a first identifier* (0090). The document is transformed by leaving out or deleting the localization tag.

Moreover, Lakritz discloses using the HTML string for finding, and using the word “hello”—*receiving a language indicator--* to be translated (0562-0573).

Furthermore, Lakritz teaches removing—*filtering said file--* of the “WReplace” commands in the HTML string after translating the text, to a language such as “French”, when the word to be translated in a primary language—English word—*default language indicator--* before producing or displaying the translated document (0570-0573).

Claims 7-10 are directed towards a method for implementing the steps found in claims 1, 1, and 4-5 respectively, and therefore are similarly rejected.

Regarding claim 11, which depends on claim 8, Lakritz discloses that the HTML document(s) has “WReplace” commands, and the word “hello” to be translated in a section of the document —*text and formatting codes* (0108, 0570).

Regarding claim 12, which depends on claim 8, Lakritz discloses that the HTML document(s) has “WReplace” commands, and the word “hello” to be translated in a section of

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the document within HTML tags —*replacement section includes text and formatting codes* (0108, 0570, 0056).

Regarding claim 14, which depends on claim 1, Lakritz discloses that the HTML document(s) has “WReplace” commands, and the word “hello” to be translated in a section of the document —*text and formatting codes* (0108, 0570).

Regarding claim 15, which depends on claim 1, Lakritz discloses that the HTML document(s) has “<!--Wreplace.....<!--WReplaceEnd->” commands--*opening tag preceding said first section, and closing tag following said first section --*, and the word “hello” to be translated in a section of the document (0108, 0570).

Regarding claim 16, which depends on claim 1, Lakritz discloses that the HTML document(s) has “<!--Wreplace.....<!--WReplaceEnd->” commands , and the word “hello” to be translated in a section of the document (0108, 0570).

Regarding claim 17, which depends on claim 8, Lakritz discloses removing one of the “WReplace” commands in the HTML string after translating the text, to a language such as “French”, when the word to be translated in a primary language—English word—*default language indicator--* before producing or displaying the translated document (0570-0573).

Furthermore, Lakritz teaches replacing of the “WReplace” commands, and the word “hello” in the HTML string, and translating the text, to a language such as “Spanish” word —

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*language indicator is not said French word or default language indicator*, before producing or displaying the translated document (0570-0573).

Claims 18, and 21 are directed towards a computer system for implementing the steps found in claims 1, and 5 respectively, and therefore are similarly rejected.

Claim 20 is directed towards a method for implementing the steps found in claim 4, and therefore is similarly rejected.

Claims 22, and 24-25 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 1, and 4-5 respectively, and therefore are similarly rejected.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 2-3, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz, in view of Eerola (Pat. # 6,678,518, 1/13/2004, filed on 12/9/1999).



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Regarding claim 2, which depends on claim 1, Lakritz discloses an “Adaptor” for accepting the document to be translated (0090). Lakritz fails to explicitly disclose: *files having an internationalization MIME-type*. However, Eerola teaches the indication of a MIME header specifying content type of a document requested using HTTP (col.4, lines 16-34, 49-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have used MIME in describing the requested document, because Eerola teaches above the benefit of finding an appropriate filter based on the content type, which would help in effectively tailor the document to the user’s language.

Regarding claim 3, which depends on claim 2, Lakritz discloses an “Adaptor” for accepting the document to be translated (0090). Lakritz fails to explicitly disclose: *using MIME-type filtering*. However, Eerola teaches the indication of a MIME header specifying content type of a document requested using HTTP in order to filter the document based on the indicate type (col.4, lines 16-34, 49-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have used MIME in describing the requested document, because Eerola teaches above the benefit of finding an appropriate filter based on the content type, which would help in effectively tailor the document to the user’s language.

Claim 19 is directed towards a computer system for implementing the steps found in claim 2, and therefore is similarly rejected.

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Claim 23 is directed towards a computer program product on a computer-readable medium for storing the steps found in claim 2, and therefore is similarly rejected.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz.

Regarding claim 13, which depends on claim 1, Lakritz discloses that the HTML document(s) has “<!--Wreplace.....<!--WReplaceEnd->” commands , and the word “hello” to be translated in a section of the document (0108, 0570, 0010). Lakritz fails to explicitly disclose: *the file is an XML file*. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have used XML format, because this would have enabled a user to have local control of the multilingual translation using the flexibility found in the XML format.

#### ***Response to Arguments***

12. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection. The Applicant submits that the rejections in view of Frerebeau should be withdrawn as necessitated by the affidavit swearing behind the effective date of Frerebeau (pages 2-3). This argument is moot in light of the newly applied prior art rejections above.

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***Conclusion***

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **SYSTRAN Language Translation Software FAQ, Achive.org, 1999.**

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free).

Any response to this Action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)

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A handwritten signature in black ink, appearing to read 'C. Paula', written in a cursive style.

**CESAR PAULA  
PRIMARY EXAMINER**

6/10/05